

# EXHIBIT

## K

## Shelly Bloor

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**From:** Will Cochran  
**Sent:** Wednesday, February 26, 2020 4:54 PM  
**To:** Chris Williams  
**Subject:** FW: Proposed Third Amended Scheduling Order(100165890.1)  
**Attachments:** RE: \*Notices to Take Depositions - Powell, et al. v. Oldham

**From:** Horton, Odell <ohorton@wyattfirm.com>  
**Sent:** Friday, January 17, 2020 5:22 PM  
**To:** Will Routt <wroutt@watsonburns.com>; Frank Watson <fwatson@watsonburns.com>  
**Cc:** MMclaren <MMclaren@blackmclaw.com>; Bill Burns <bburns@watsonburns.com>; Brice Timmons <btimmons@blackmclaw.com>; Will Cochran <wcochran@blackmclaw.com>; Al McLean (amclean@spicerfirm.com) <amclean@spicerfirm.com>; Beth W. Petronio - K&L Gates (beth.petronio@klgates.com) <beth.petronio@klgates.com>; is Bradley E. Trammell - Baker Donelson (btrammell@bakerdonelson.com) <btrammell@bakerdonelson.com>; is <wirvine@bpjlaw.com>; Brandon Bundren <bbundren@bradley.com>; Doug Halijan - Burch, Porter & Johnson, PLLC (dhalijan@BPJLAW.com) <dhalijan@BPJLAW.com>; Erin P. McDaniel - Gordon Rees Scully Mansukhani, LLP (emcdaniel@grsm.com) <emcdaniel@grsm.com>; Garrett M. Estep (gestep@farris-law.com) <gestep@farris-law.com>; Heather M. Gwinn Pabon - Gordon Rees Scully Mansukhani, LLP (hgwinn@grsm.com) <hgwinn@grsm.com>; Lee Whitwell (lee.whitwell@shelbycountyttn.gov) <lee.whitwell@shelbycountyttn.gov>; Craddock, Bob <rcraddock@wyattfirm.com>; Robert A. McLean (ramclean@farris-law.com) <ramclean@farris-law.com>; Brown, Byron <bbrown@wyattfirm.com>; Cox, Meghan <mcox@wyattfirm.com>; Horton, Odell <ohorton@wyattfirm.com>  
**Subject:** RE: Proposed Third Amended Scheduling Order(100165890.1)

Will:

I received your e-mail this afternoon regarding the deposition notices of Ed Raper, Robert Moore, Debra Hammons and Bill Oldham. Attached is the e-mail from Frank requesting for the first time the depositions of Robert Moore, Debra Hammons and Bill Oldham. We received the e-mail on Monday, January 13<sup>th</sup> and I responded later that afternoon that we would reach out to our clients. There has only been one request for the deposition of these individuals. We contacting our clients regarding their availability. As soon as we hear from them, I will let you know their availability.

We are attempting to re-schedule the deposition of Ed Raper. We will contact you next week regarding potential dates.

Odell

**Odell Horton Jr.**

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**From:** Will Routt <wroutt@watsonburns.com>  
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**Subject:** RE: Proposed Third Amended Scheduling Order(100165890.1)

Odell and all-

Despite numerous requests, we have still not been provided with dates for the depositions we requested from the Shelby County defendants and employees. Accordingly, we will be filing notices shortly setting the following deposition schedule:

- Ed Raper on February 5, 2020
- Shelby County corporate deposition on February 12, 2020
- Robert Moore on February 26, 2020
- Debra Hammons on March 4, 2020
- Bill Oldman on March 11, 2020

The notices set the depositions at the Black McLaren firm for now, but we would reiterate Mike's previous request that we consider alternate locations, such as Baker Donelson, that may be more accommodating given the number of parties and counsel.

Thanks,

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**From:** Frank Watson

**Sent:** Tuesday, January 14, 2020 3:12 PM

**To:** Horton, Odell

**Cc:** [MMcLaren@blackmclaw.com](mailto:MMcLaren@blackmclaw.com); Bill Burns; Will Routt; [btimmons@blackmclaw.com](mailto:btimmons@blackmclaw.com); [wcochran@blackmclaw.com](mailto:wcochran@blackmclaw.com); Al McLean ([amclean@spicerfirm.com](mailto:amclean@spicerfirm.com)); Beth W. Petronio - K&L Gates ([beth.petronio@klgates.com](mailto:beth.petronio@klgates.com)); Bradley E. Trammell - Baker Donelson ([btrammell@bakerdonelson.com](mailto:btrammell@bakerdonelson.com)); is; Brandon Bundren; Doug Halijan - Burch, Porter & Johnson, PLLC ([dhalijan@BPJLAW.com](mailto:dhalijan@BPJLAW.com)); Erin P. McDaniel - Gordon Rees Scully Mansukhani, LLP ([emcdaniel@grsm.com](mailto:emcdaniel@grsm.com)); Garrett M. Estep ([gestep@farris-law.com](mailto:gestep@farris-law.com)); Heather M. Gwinn Pabon - Gordon Rees Scully Mansukhani, LLP ([hgwinn@grsm.com](mailto:hgwinn@grsm.com)); Lee Whitwell ([lee.whitwell@shelbycountyttn.gov](mailto:lee.whitwell@shelbycountyttn.gov)); Craddock, Bob; Robert A. McLean ([ramclean@farris-law.com](mailto:ramclean@farris-law.com)); Brown, Byron; Cox, Meghan

**Subject:** RE: Proposed Third Amended Scheduling Order(100165890.1)

Odell:

Given your concern about "merits" vs. "class" discovery that you have raised recently with respect to both Mr. Raper's deposition and the Rule 30(b)(6) Notice to Shelby County, I would recommend that the parties dispense with "experts" until after class certification is briefed and ruled upon.

In the context of this case (as opposed to for, example, an antitrust class action), I don't think expert testimony would even be admissible as to class certification and, to the extent experts could somehow be used, these experts would necessarily have to examine the merits of the underlying factual allegations in order to render any opinion relating to the class. (If you believe that I am wrong, please explain to me how experts are relevant in light of bifurcation). In short, I think the parties will avoid any additional fights about merits as well as keep the costs down by dealing with experts later. Naturally, we can get our expert and you can get yours. In my experience, the Judge will simply ignore them in making decisions until the merits come into question. Let me know what you think.

Let me know when we can depose: (i) Ed Raper, (ii) the Rule 30(b)(6) Deposition of Shelby County, (iii) Robert Moore, (iv) Debra Hammons and (v) Bill Oldham. These will need to be taken in the next two months.

Brad Trammell: let me know about the deposition dates for Paul Zigler.

Many thanks

Frank L. Watson, III  
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**Subject:** RE: Proposed Third Amended Scheduling Order(100165890.1)

Frank:

Any thoughts?

Odell

**Odell Horton Jr.**

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**From:** Horton, Odell

**Sent:** Friday, January 10, 2020 2:46 PM

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**Subject:** Proposed Third Amended Scheduling Order(100165890.1)

Frank:

Pursuant to our discussions, attached is a proposed Third Amended Scheduling Order.

We discussed moving the dates 60 days but I pushed each date approximately 80 days. Mike informed us his wife is retiring May 4<sup>th</sup> and he is unavailable that week. That is the reason for the additional time. I avoided that week and any holidays. I set most deadlines on a Monday or Friday.

The Defendants have approved the dates. Let me know your thoughts.

If you have any questions, please contact me.

Thank you.

Odell

**Odell Horton Jr.**

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